

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
VIRGINIA Charlottesville Division

FEB 10 2020

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

ELIZABETH SINES, et al,
Plaintiff,

v.

Civil Action No. 3:17-cv-00072-NKM-JCH

JASON KESSLER, et al,
Defendant.

MOTION TO QUASH SUBPONEA TO PRODUCE DOCUMENTS

Denise Y. Lunsford, Esquire ("Lunsford") requests that this court issue an order quashing the Subpoena Duces Tecum (the "Subpoena") served on her by Elizabeth Sines, et al. ("Sines") on January 28th, 2020.

GROUND FOR RELIEF

The Subpoena calls for the production of documents and information that Lunsford is precluded from producing because the Subpoena requires disclosure of privileged or other protected matter within the meaning of Rule 45 of the Federal Rules of Civil Procedure, is privileged or is subject to protection as trial-preparation material within the meaning of Rule 26 of the Federal Rules of Civil Procedure, and whose dissemination is governed by Orders of the United States District Court for the Western District of Virginia, the City of Charlottesville Circuit Court and an Agreement with the City of Charlottesville Commonwealth's Attorney's Office. In support of her Motion to Quash, Lunsford states as follows:

1. The Subpoena was served on Lunsford, who is the court appointed attorney for the Defendant James Alex Fields, Jr ("Fields"), on January 29, 2020. An identical Subpoena Duces Tecum was served on Lunsford's co-counsel, John Hill, Esquire, ("Hill"), on January 28, 2020. A

true and correct copy of the subpoena served on Hill is attached to Hill's Motion to Quash Subpoena filed on this date ("Hill's Motion") as Exhibit 1.

2. Lunsford represented Fields in a series of criminal cases originating in the City of Charlottesville Circuit Court (the "Criminal Matters") and now represents Fields on the appeal of his conviction in those cases to the Commonwealth of Virginia Court of Appeals.

3. Taken as a whole, the subpoena requires that Lunsford produce the entire contents of her files relating to representation of Fields in the Criminal Matters with no exception. Among other things, Lunsford's files contain notes, memoranda and other documents memorializing confidential discussions and communications with Fields, co-counsel and experts, documents related to trial strategy, information regarding jurors and other documents and material Lunsford is prohibited from disclosing.

4. Rule 1.6 of the Virginia State Bar Professional Guidelines prohibits a lawyer from revealing information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client unless the client consents.

5. Information and material provided to Lunsford by the City of Charlottesville Commonwealth's Attorney Office in the course of her representation of Fields in the Criminal Matters is governed by an Open File Agreement which prohibits disclosure of the information and material. A true and accurate copy of the Open File Agreement is attached to Hill's Motion as Exhibit 3.

6. Information provided to Lunsford by the United States government in the course of her representation of Fields in the Criminal Matters is governed by an Order of the United States District Court for the Western District of Virginia dated February 23, 2018. A true and accurate

copy of the Order is attached to Hill's Motion as Exhibit 4.

7. Dissemination of information relating to jurors and certain photographs and videos admitted into evidence in the trial of the Criminal Matters is prohibited by Orders of the City of Charlottesville Circuit Court. A true and accurate copy of the Order is attached to Hill's Motion as Exhibit 5.

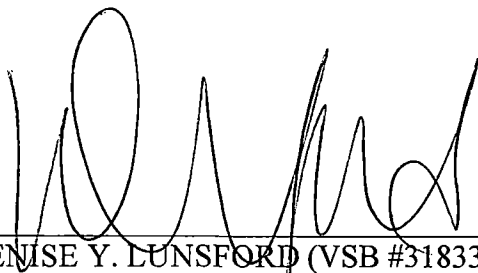
8. Sines has not established a substantial need for the materials and that she cannot, without undue hardship, obtain their substantial equivalent by other means.

WHEREFORE, for the foregoing reasons, Denise Y. Lunsford, Esquire, requests that this Court issue an order quashing the Subpoena Duces Tecum served on her by Elizabeth Sines, et al. on January 29, 2020.

Respectfully submitted this 10th day of February 2020.

DENISE Y. LUNSFORD, ESQUIRE

Pro Se

A handwritten signature in black ink, appearing to read 'Denise Y. Lunsford', is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, I presented the forgoing to the Clerk of the Court for filing and uploading to the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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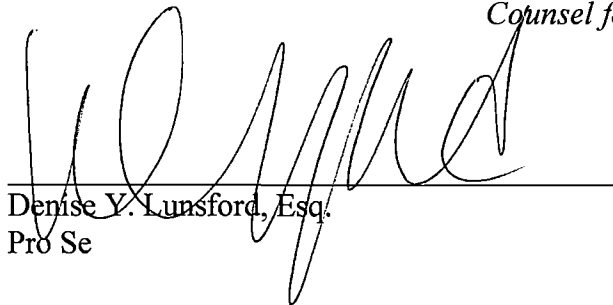
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